

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>RASHEENA PHINISEE</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>NO. 24-295</b>
	:	
<b>KATI GRAHAM-PARKER, <i>et al.</i></b>	:	

**ORDER**

**AND NOW**, this 17<sup>th</sup> day of May 2024, upon considering the United States’s motion to dismiss defendants Kati Graham-Parker and The Family Practice and Counseling Network-The Health Annex (“FPCN”) and to dismiss defendant United States (DI 9), the United States’s status report (DI 6) in response to our February 1, 2024 order (DI 5), Ms. Phinisee’s motion for injunctive relief (DI 11), Ms. Phinisee’s motion for clarification (DI 12) and supplemental filing (DI 15), and the United States’s response to plaintiff’s motion for injunctive relief (DI 16), it is **ORDERED** as follows:

1. The United States’s motion to dismiss defendants Kati Graham-Parker and FPCN (DI 9) with prejudice is **GRANTED** in light of the Certificate of Non-Opposition filed by David Degnan for the United States stating he spoke with plaintiff, Rasheena Phinisee, by telephone and confirmed that she does not oppose the motion to substitute the United States for Katie Graham-Parker and FPCN (DI 9 at 22) and the plaintiff’s failure to comply with the Court’s order on March 11<sup>th</sup>, 2024, instructing the plaintiff to “state whether Kati-Graham Parker and The Family Practice and Counseling Network-The Health Annex should remain as defendants, or whether the United States is the only proper (and remaining) defendant, and why” (DI 10).

2. The United States’s motion to dismiss defendant United States with prejudice (DI 9) is **GRANTED** for the reasons stated in the Court’s Memorandum.

3. Ms. Phinisee’s motion for injunctive relief (DI 11) and motion for clarification

(DI 12) are **DENIED** as moot in light of the Court granting the United States's motion to dismiss.<sup>1</sup>

4. The case is **DISMISSED with prejudice**. The Clerk of Court shall close the case.



MURPHY, J.

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<sup>1</sup> The Federal Tort Claims Act provides the exclusive remedy for state law tort actions brought against individuals or entities deemed to be federal employees acting within the scope of their employment. 42 U.S.C. § 233. This statute mandates that “any such civil action or proceeding commenced in a State court shall be removed . . . to the district court of the United States . . . the proceeding deemed a tort action brought against the United States.” Because all claims against all other defendants in this action were dismissed previously by the Philadelphia County Court of Common Pleas (DI 9 at 14-15), this action is **dismissed** and **not** remanded to the Philadelphia County Court of Common Pleas.